



WESTFIELD-WASHINGTON  
BOARD OF ZONING APPEALS

February 9, 2016  
1601-VU-02  
Exhibit 1

**Petition Number:** 1601-VU-02

**Subject Site Address:** 518 E. Main Street (the "Property")

**Petitioner:** Rocks Auto Exchange (the "Petitioner")

**Request:** The petitioner is requesting approval for a Variance of Use to allow sales of pre-owned automobiles in the SF3: Single-Family Medium Density District (*Chapter 13: Use Table*).

**Current Zoning:** SF3: Single-Family Medium Density District

**Current Land Use:** Commercial

**Approximate Acreage:** 0.57 acre +/-

**Exhibits:**

1. Staff Report
2. Location Map
3. Existing Conditions
4. Proposed Site Plan/Landscaping Plan
5. Petitioner's Application

**Staff Reviewer:** Kevin M. Todd, AICP

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**PETITION HISTORY**

This petition will receive a public hearing at the February 9, 2016 Board of Zoning Appeals meeting.

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**ANALYSIS**

**Property Location:** The subject property is approximately 0.57 acre +/- in size and is located at 518 East Main Street (see **Exhibit 2**). The Property is zoned SF3: Single-Family Medium Density District. The property is located at the eastern edge of Downtown Westfield. Adjacent properties to the north, south, east and west are used for residential purposes.

**Property History:** In 1998, the Board of Zoning Appeals approved a variance of use to allow a beauty salon on the Property (98-V-37). The Property was used as a beauty salon for approximately seventeen (17) years.



Variance Request: This petition request is to allow auto sales of pre-owned vehicles on the Property. As proposed, the Petitioner would utilize the existing building and parking lot, and would not increase the size of the existing parking areas or the building footprint. The Petitioner has indicated that he would like to reuse the existing monument sign, and simply change the sign copy. The proposal includes the addition of designated customer parking spaces and some additional landscaping. The proposal has been reviewed by the Westfield Public Works Department, with no comment. The proposal has been reviewed by the Westfield Fire Department, and they are satisfied with the proposed site circulation for emergency purposes.

Comprehensive Plan: The Westfield-Washington Township Comprehensive Plan identifies this Property within the "Downtown"<sup>1</sup> land use classification. The Downtown area was further studied in 2008 after the formation of the Grand Junction Task Group (the "GJTG"). The study resulted in an amendment to the Comprehensive Plan known as the Grand Junction Master Plan and Addendum, adopted in 2009, and then subsequently the adoption of the Grand Junction Implementation Plan (the "Implementation Plan"), an amendment to the Comprehensive Plan adopted in 2013 (collectively, the "Grand Junction Plan").

The Grand Junction Plan identifies a long term vision as well as land use and financial investment goals for the intermediate and short terms. The centerpiece of the Grand Junction Plan includes creating public gathering spaces with key public investments opportunities to include: Grand Junction Plaza (currently being designed), new civic facilities, extended trail system and street network, enhanced stormwater management, and signature gateway developments.

The studied land use component of the Grand Junction Plan identified several sub-districts. The Property is on the fringe of the Grand Junction planning area, but is located closest to the area identified as the "Junction Sub-District". The specific objectives for the Junction Sub-District, as prioritized in the Implementation Plan, include: (i) develop architectural and development standards; (ii) formalize a position with INDOT regarding the SR32 expansion through downtown; (iii) develop standards to address modifications to existing structures; (iv) develop Downtown Westfield Association review process; and (v) develop strategy for attracting/encouraging the following land uses: trail-oriented businesses (i.e. bike shop, coffee shop); dry cleaner; market; specialty shops; night-time gathering places; restaurants; offices<sup>2</sup>.

The Department, in coordination with the GJTG, is currently working on the prioritized objectives of the Implementation Plan; however, the specific objectives noted above for the Junction Sub-District are still in progress. As a result, the Department encouraged the Petitioner to meet with the GJTG. The GJTG has

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<sup>1</sup> Westfield-Washington Township Comprehensive Plan, Land Use Concept Map (pg. 24).

<sup>2</sup> Grand Junction Implementation Plan, Chapter 6: Implementation Plan Objectives and Action Items (pg. 26).



provided a letter as a result of their last meeting with the Petitioner on January 19, 2016, which will be presented at the public hearing.

The Grand Junction Plan would not support auto sales in the downtown area as a long-term commercial use. However, it may be appropriate to consider differing short-term use of downtown properties on a case-by-case basis as the downtown area continues to redevelop and transition into the longer-range vision of the Grand Junction Plan.

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### **PROCEDURAL**

**Public Notice:** The Board of Zoning Appeals is required to hold a public hearing on its consideration of this petition. This petition is scheduled to receive its public hearing at the February 9, 2016, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

**Conditions:** The UDO<sup>3</sup> and Indiana Code § 36-7-4-918.4 provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

**Acknowledgement of Variance:** If the Board of Zoning Appeals approves this petition, then the UDO<sup>4</sup> requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

**Variance of Use:** The Board of Zoning Appeals shall approve or deny variances of land use from the terms of the UDO. A variance of land use may be approved under Indiana Code § 36-7-4-918.4 only upon a determination in writing that:

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<sup>3</sup> Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

<sup>4</sup> Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
3. The need for the variance arises from some condition peculiar to the property involved;
4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
5. The approval does not interfere substantially with the Comprehensive Plan.

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#### **DEPARTMENT RECOMMENDATIONS**

If the Board is inclined to APPROVE the petition, the Department recommends the following conditions and findings:

#### **Recommended Conditions:**

1. That approval of this variance shall expire on March 1, 2019. Any request to extend the time limit of this variance shall be reviewed and approved by the Board of Zoning Appeals prior to March 1, 2019.
2. That no more than thirty-two (32) vehicles that are for sale be on the Property at any one time;
3. That the parking surface and paved area not expand;
4. That designated customer and employee parking spaces be identified and striped;
5. That vehicles are not permitted to be parked in the grass;
6. That landscaping be installed and/or maintained as generally depicted on the submitted concept plan/landscaping plan (see **Exhibit 4**);
7. That no existing landscaping be removed without being replaced with a similar size and species of plant;
8. That no additional signage or sign types be permitted on the Property;
9. That banners, flags, posters, pennants, ribbons, streamers, spinners, strings of lights, feather flags or signs, balloons, or inflatable signs be prohibited on the Property;
10. That individual vehicle pricing and other displayed vehicle information be limited to a maximum of four (4) window "stickers" or tags per vehicle.
11. That outdoor speakers for music and/or announcements be prohibited.



Recommended Findings for APPROVAL:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

**Finding:** It is unlikely that approving the requested variance of use would be injurious to the public health, safety, morals, and general welfare of the community. The Westfield Fire Department has reviewed the proposed site plan for safe circulation and has expressed no concerns with the site layout or access.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

**Finding:** It is unlikely that the use and value of adjacent property will be affected in a substantially adverse manner. The recommended conditions of approval for the use of the property in this manor should mitigate any impact this proposed use may have on neighboring properties.

3. *The need for the variance arises from some condition peculiar to the property involved.*

**Finding:** The existing condition and development of the Property does not lend itself to a traditional SF3 land use. The Property has been developed and used as a commercial property for approximately 17 years.

4. *The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.*

**Finding:** The existing condition and development of the Property does not lend itself to a traditional SF3 land use. The Property has been developed and used as a commercial property for approximately 17 years and reverting the property back to an SF3 land use would be challenging.

5. *The approval does not interfere substantially with the comprehensive plan.*

**Finding:** This property is on the fringe of the Grand Junction planning area. And while the Grand Junction Plan does not support using the Property for auto-sales long-term, the success of short-term or interim uses of existing structures in downtown will contribute to the long-term success and stability of the Grand Junction District, thus the proposed use does not substantially interfere with the Comprehensive Plan.



If the Board is inclined to DENY the petition, the Department recommends the following findings:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

**Finding:** It is unlikely that approving the requested variance of use would be injurious to the public health, safety, morals, and general welfare of the community. The Westfield Fire Department has reviewed the proposed site plan for safe circulation and has expressed no concerns with the site layout or access.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

**Finding:** It is possible that the use and value of adjacent property will be affected in a substantially adverse manner. The perception of living next to an auto sales lot could have a negative impact on the value potential home buyers place on this area.

3. *The need for the variance arises from some condition peculiar to the property involved.*

**Finding:** The existing condition and development of the Property could lend itself to an office-type use, and is not uniquely laid out for an auto sales use.

4. *The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.*

**Finding:** The property is zoned for residential uses, but is currently developed for commercial uses. A permitted non-residential SF3 use could locate on this property without the need for a use variance.

5. *The approval does not interfere substantially with the comprehensive plan.*

**Finding:** This property is on the fringe of the Grand Junction planning area, and the Grand Junction Plan does not support auto-sales in Downtown Westfield. Auto sales lots do not typically promote the pedestrian-friendly activity and uses desirable in a traditional downtown environment.